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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

AARON GREENSPAN,

Plaintiff,

v.

OMAR QAZI, SMICK ENTERPRISES, INC.,
 ELON MUSK, and TESLA, INC.,

Defendants.

Case No. 3:20-cv-03426-JD

**SECOND REQUEST FOR
 JUDICIAL NOTICE IN SUPPORT
 OF PLAINTIFF'S OPPOSITION
 TO DEFENDANTS' MOTIONS TO
 DISMISS PLAINTIFF'S FOURTH
 AMENDED COMPLAINT**

Judge: Hon. James Donato
 Complaint Filed: May 20, 2020
 4AC Filed: August 13, 2021

Pursuant to Federal Rule of Evidence 201 and *Rosales-Martinez v. Palmer*, 753 F.3d 890, 894-895 (9th Cir. 2014), Plaintiff Aaron Greenspan requests that the Court incorporate by reference or take judicial notice of the attached documents identified below. The abbreviation "4AC" refers to the Fourth Amended Complaint.

I. DOCUMENTS SUBJECT TO THIS REQUEST

Exhibit	New Since 4AC	Description	Basis for Notice and/or Incorporation
U	Yes	Complaint in <i>Securities and Exchange Commission v. Medallion Financial Corp. et al</i> , Southern District of New York Case No. 1:21-cv-11125, Concerning "Illegal Touting" on Social Media	Publicly available from a government source; 4AC ¶¶ 255-268
V	Yes	January 4, 2022 <i>New York Times</i> Article by Jack Ewing Entitled, "Tesla opens a dealership in Xinjiang, drawing accusations it's helping	Publicly available from a reliable source; 4AC ¶¶ 247-249

		China ‘cover up genocide.’”	
W	Yes	Public Law 117-78, The Uyghur Forced Labor Prevention Act	Publicly available from a government source; 4AC ¶¶ 247-249
X	Yes	January 11, 2022 <i>Los Angeles Times</i> Article by Russ Mitchell Entitled, “DMV ‘revisiting’ its approach to regulating Tesla’s public self-driving test”	Publicly available from a reliable source; 4AC ¶ 245 (Issues 7, 10)
Y	Yes	January 15, 2022 <i>Wall Street Journal</i> Article by Rebecca Elliott, Justin Scheck and Drew FitzGerald Entitled, “Elon Musk’s Tesla Asked Law Firm to Fire Associate Hired From SEC”	Publicly available from a reliable source; 4AC ¶¶ 5, 247-249
Z	No	Transcript of May 22, 2019 Adam Jonas Morgan Stanley Investor Call	Publicly available from a reliable source; 4AC ¶ 245 (Issue 7)
AA	No	Federal Reserve Bank of New York Effective Federal Funds Rates for 2019	Publicly available from a government source; 4AC ¶ 245 (Issue 1)
BB	No	Federal Reserve Bank of New York Effective Federal Funds Rates for 2020	Publicly available from a government source; 4AC ¶ 245 (Issue 1)
CC	No	Fidelity Government Money Market Fund (SPAXX) 7-Day Average Yields 2019-2020	Publicly available from a reliable source; 4AC ¶ 245 (Issue 1)
DD	No	September 2, 2020 Twitter Post by @ElonMusk Regarding Accidental Upgrade Purchases	Publicly available from a reliable source; 4AC ¶ 245 (Issue 2)
EE	No	July 10, 2020 Twitter Post by @WholeMarsBlog Regarding Reason for Reading Plaintiff’s Autobiography	Publicly available from a reliable source; 4AC ¶¶ 201, 207
FF	No	July 11, 2020 Twitter Post by @WholeMarsBlog Regarding Reason for Reading Plaintiff’s Autobiography	Publicly available from a reliable source; 4AC ¶¶ 198, 201, 207
GG	No	July 17, 2020 Twitter Post by @WholeMarsBlog Regarding Re-Posting of Copyrighted Material on Eastern European Server	Publicly available from a reliable source; 4AC ¶¶ 198, 205, 217-218
HH	No	August 22, 2020 Twitter Post by @WholeMarsBlog Attacking Unrelated Harvard T.H. Chan School of Public Health Dean	Publicly available from a reliable source; 4AC ¶ 201
II	Yes	January 5, 2022 Twitter Post by @WholeMarsBlog Advising Further Purchases of Tesla, Inc. Securities	Publicly available from a reliable source; 4AC ¶¶ 14, 255

1 **II. FACTUAL BASIS**

2 Judicial notice is proper because the documents' existence and authenticity cannot
3 reasonably be questioned. The documents listed, from Exhibit A to II, are all "widely known
4 and beyond reasonable dispute," as required by Fed. R. Evid. 201.¹ Exhibits marked as "Yes" in
5 the "New Since 4AC" column did not exist or were not accessible to Plaintiff at the time the
6 4AC (ECF No. 131) was filed on August 13, 2021 and could therefore not be referenced
7 previously.

8 Tesla Defendants do not dispute that posts on Twitter are properly subject to judicial
9 notice. ECF No. 143-10.

10 Finally, the Court has explicitly permitted this Request for Judicial Notice, stating, "If a
11 motion to dismiss the federal securities claims is filed, Greenspan may file a request for judicial
12 notice with his opposition that contains SEC filings and other documents that may be properly
13 considered for the securities allegations. In all events, Greenspan should be assured that he will
14 have ample opportunity to ask the Court to consider materials which may be appropriately
15 noticed or otherwise taken up for a motion to dismiss." ECF No. 130 at 3:22-26.

16 **III. CONCLUSION**

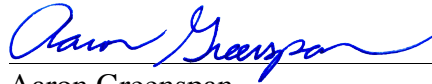
17 For the aforementioned reasons, Plaintiff respectfully requests that the Court take judicial
18 notice of the above referenced documents.

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¹ Only two Exhibits, Z and CC, come from sources that are not obviously the government, news media, or Twitter. Exhibit Z was widely shared on Twitter in 2019, as noted by the watermark in the document itself. The contents of Exhibit CC can be obtained from a Bloomberg terminal, which is an information source widely used in the financial industry.

1 Dated: January 16, 2022

Respectfully submitted,

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